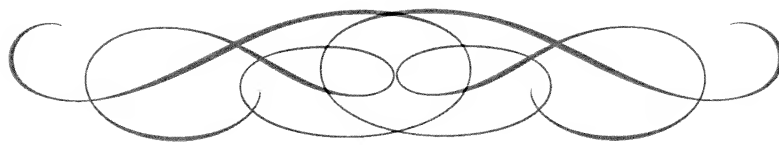


Report of the Joint Committee on Legislative Ethics



IN RE: STATE SENATOR ULYSSES CURRIE



Annapolis, Maryland
February 15, 2012



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON LEGISLATIVE ETHICS

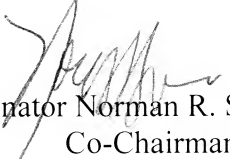
February 16, 2012

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401

Dear President Miller:

There is transmitted herewith the Report of the Joint Committee on Legislative Ethics, In
Re: State Senator Ulysses Currie, adopted by unanimous vote of the Joint Committee on
February 15, 2012.

Sincerely,


Senator Norman R. Stone, Jr.
Co-Chairman



Delegate Brian K. McHale
Co-Chairman

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REPORT OF THE JOINT COMMITTEE ON LEGISLATIVE ETHICS

IN RE: STATE SENATOR ULYSSES S. CURRIE

February 15, 2012

The Joint Committee on Legislative Ethics (Joint Committee), pursuant to the November 21, 2011, request of the President of the Senate, Thomas V. Mike Miller to conduct a review and proceedings regarding the alleged ethical improprieties on the part of Senator Ulysses Currie, submits its report with recommendations to the President of the Senate, adopted by a unanimous vote of Joint Committee on this date.

SUMMARY OF RECOMMENDATIONS

Based on careful and thorough consideration of the evidence and the issues before it, and for the reasons set forth in detail in this Report, the Joint Committee unanimously recommends to the President of the Senate that:

1. The President of the Senate remove Senator Currie immediately and permanently as a member of the Senate or Democratic leadership, as chairman of any committee or subcommittee, and as a member of all statutory, joint, select, and conference committees, except his assigned standing committee and the Prince George's County Senate Delegation, of the Senate of Maryland.

2. The President of the Senate submit to the Senate, and the full Senate adopt, a resolution of censure expressing the Senate's disapproval of Senator Currie's actions, based on his activities as set forth in this Report of the Joint Committee on Legislative Ethics.

3. The President of the Senate request that Senator Currie consider making a public apology to the members of the Senate to acknowledge and express regret for his conduct and the dishonor he has brought to the Maryland General Assembly.

The Joint Committee on Legislative Ethics makes the following additional recommendations that:

1. The President of the Senate and the Speaker of the House of Delegates immediately undertake a renewed program of education and enforcement with respect to ethical obligations of its members, including that:

- a. Each member of the General Assembly be required to have an in-person meeting annually with the Ethics Advisor to the General Assembly at which the member shall be required to bring for

review with the Ethics Advisor the Member's most recent state and federal tax returns; and

- b. The Ethics Advisor be required to provide written notice to the presiding officers of the General Assembly of a member's failure to fulfill the annual ethics meeting requirement.

2. The President of the Senate require the Senate Special Committee on Legislative Ethics to consider other means to strengthen Members' compliance with ethical requirements.

PROCEDURAL BACKGROUND

On November 21, 2011, the President of the Senate, Thomas V. Mike Miller, sent a letter to the Joint Committee on Legislative Ethics requesting that the Joint Committee review possible violations of the Maryland Public Ethics Law by Senator Ulysses Currie. The letter referenced the recent federal criminal investigation and trial of Senator Currie after which he was acquitted of all charges of bribery, extortion, and conspiracy. However, in his defense, Senator Currie argued that he committed violations of the Maryland Public Ethics Law; violations that are within the jurisdiction of the Joint Committee. It was alleged that he failed to accurately file required financial disclosures and that he had a conflict of interest regarding a consulting agreement with a private company.

In accordance with the provisions of § 2-706(5) and Title 15, Subtitle 5 of the State Government Article, the Joint Committee commenced its review and proceedings "to make recommendations concerning matters referred to the Committee". Under this authority, the Joint Committee established a tentative schedule for review and investigation of the allegations and for its report to the President of the Senate.

The Joint Committee met in closed executive session on January 12, 2012, to review a list of allegations proposed by counsel to the Joint Committee. Each allegation in the list contained alleged facts of the specific activity, and the specific statutory provisions of the Maryland Public Ethics Laws that may have been violated as a result of the activity. To provide Senator Currie with a fair opportunity to respond to the allegations made against him, the Joint Committee voted to send a list of enumerated allegations to Senator Currie along with a request for relevant documentation or other evidence relating to the allegations. The list of allegations and request for documentation was hand-delivered to Senator Currie in his Senate office on January 13, 2012.

In its correspondence that accompanied the list of allegations, the Joint Committee requested that Senator Currie provide written responses to the allegations and the relevant written documentation by January 20, 2012. Counsel for Senator Currie submitted a timely response to the allegations, including a transcript of the defense's closing statement in the federal criminal trial.

Once the list of allegations of potential violations of the ethics laws was established, counsel to the Joint Committee proceeded to gather information relating to the allegations. Sources of information reviewed by the Joint Committee include the federal indictment in the case of *United States of America v. Ulysses S. Currie, William J. White, and R. Kevin Small*, filed in the United States District Court for the District of Maryland on September 1, 2011, accounts of witness testimony from the federal criminal trial, the transcript of the closing statement of Joseph Evans, confidential meeting notes of the Ethics Advisor, and other relevant information.

On February 6, 2012, the Joint Committee met in a closed session to interview Senator Currie and to review evidence relating to the allegations. Senator Currie was represented by counsel at the hearing and was interviewed by counsel to the Joint Committee and by members of the Joint Committee. The Joint Committee also heard testimony from the Ethics Advisor, William Somerville. Senator Currie called one other witness, Joseph Evans. The hearing was recorded and transcribed.

On February 7, 2012, the Joint Committee met again in closed session to review evidence relating to the allegations and to make a determination on certain issues. On February 15, 2012, the Joint Committee voted on the adoption of a written report.

FINDINGS OF THE JOINT COMMITTEE

The Joint Committee, after gathering and thoroughly reviewing all available evidence relating to various activities of Senator Currie in connection with the Maryland Public Ethics Law, issues the following findings of ethical violations. These violations include filing inaccurate and incomplete financial disclosure statements, failing to disclose various conflicts of interest, failing to abstain from voting in a matter involving a conflict of interest, abusing the prestige of office, and improperly representing a person in a matter before or involving various State and local government units.

FAILURE TO DISCLOSE A CONTRACTUAL RELATIONSHIP ON FINANCIAL DISCLOSURE STATEMENTS

Factual Findings

In late 2002, Senator Currie had lunch with William J. White, the president of Shoppers Food Warehouse, Corp. (SFW), during which they discussed the company's very low rate of minority representation in company leadership positions. According to Senator Currie, he and Mr. White agreed that Senator Currie could help SFW increase awareness of SFW in minority communities and recruit minority candidates for jobs and leadership roles in SFW.

After this meeting, Senator Currie asked Timothy Maloney, an attorney and former member of the House of Delegates, to draft a letter to Mr. White proposing terms

for Senator Currie to provide consulting services for SFW for compensation. Senator Currie sent the proposal letter dated December 27, 2002, to Mr. White. On February 4, 2003, Mr. White sent Senator Currie a letter accepting the terms for a consulting agreement. The parties agreed that Senator Currie would provide assistance to SFW “in minority recruitment and outreach, community relations and public affairs, to work with [Shoppers’] executives to provide visibility and community leadership opportunities” at the rate of \$3,000 per month. Senator Currie signed the consulting agreement sometime between February 4 and February 10, 2003.

On April 14, 2003, Senator Currie and William Somerville, the Ethics Advisor to the General Assembly, had a telephone conversation regarding ethics advice for Senator Currie. Mr. Somerville’s notes from that conversation indicate that Senator Currie mentioned a consulting relationship to provide community relations for “Shopless Foods” [sic] to “[g]et people involved in the business”. Though neither Senator Currie nor Mr. Somerville recall the exact words of the conversation, Mr. Somerville says that his impression was that Senator Currie was considering taking a paid community relations consultant position. Mr. Somerville noted that he told Senator Currie that this was “not a problem” and suggested discussing the matter more “at our meeting”. Mr. Somerville testified that the meeting referred to in his notes would have been the annual ethics meeting between the Ethics Advisor and each member of the General Assembly required under § 2-709(b)(4) of the State Government Article. Both Senator Currie and Mr. Somerville agreed that the matter was not discussed during their next meeting.

Senator Currie performed services and received compensation from SFW beginning in Spring 2003 through December 2007. As a result of the services provided by Senator Currie, SFW increased Senator Currie’s rate of compensation four times during the above-referenced period. In July 2004, Senator Currie’s compensation was increased to \$3,416.67 per month. This rate was memorialized in a renewed consulting agreement dated October 1, 2004. On June 17, 2007, SFW and Senator Currie executed a renewed consulting agreement that increased the rate of compensation to \$3,800 per month. Finally, on December 11, 2007, Senator Currie and SFW executed a renewed consulting agreement for an increased rate of \$7,600 per month. In total, Senator Currie was paid about \$245,816.79 over the course of his employment with SFW.

As required by §15-601, § 15-602, and § 15-607 of the State Government Article, each member of the General Assembly is required to file a Financial Disclosure Statement with the State Ethics Commission under oath with specified information on or before April 30 of each year. A copy of the statement is sent to the Joint Committee, either by the filer or by the State Ethics Commission. Senator Currie told the Joint Committee that his wife prepares his statements each year. Senator Currie testified that they found the forms confusing and his counsel confirmed that the Senator’s disclosure forms had repeated errors. After she prepares the statement, Senator Currie reviews it, signs it, and files it with the State Ethics Commission. He also told the Joint Committee that his wife does the banking business for their family and was aware of his consulting agreement with SFW and the compensation he received as a result his services.

Despite the knowledge of both Senator Currie and his wife regarding the consulting agreement and compensation, Senator Currie did not report this information to the State Ethics Commission on his 2003 calendar year Financial Disclosure Statement filed on October 13, 2004; his 2004 calendar year Financial Disclosure Statement filed on May 5, 2005; his 2005 calendar year Financial Disclosure Statement filed on May 30, 2006; his 2006 calendar year Financial Disclosure Statement filed on June 15, 2007; and his 2007 calendar year Financial Disclosure Statement filed on May 11, 2008.

Senator Currie admits that the Financial Disclosure Statements he filed with the State Ethics Commission and the Joint Committee in the 2003 through 2007 did not include the disclosure of his paid consulting relationship with SFW. The Senator asserts that this failure is one of negligence rather than intent and states that “he is in the process of amending the statements by including information required by the Commission”. In his answer to the allegations, Senator Currie states that his counsel forwarded draft amended disclosure forms to the State Ethics Commission in 2009 but that these forms were not officially filed due to the pending federal investigation.

Senator Currie further states that he has recently hired a new staff person to help him file future annual Financial Disclosure Statements with all the required information.

Violations of Standards

The Joint Committee concludes that Senator Currie failed to disclose his consulting agreement and the earned income he received from SFW on his annual Financial Disclosure Statement in the years 2003 through 2008 in violation of § 15-601, §15-602, and §15-607(i) of the State Government Article. The requirements of § 15-601, in relevant part, provide:

(a) Except as provided in subsections (b) and (c) of this section, and subject to subsections (d) and (e) of this section, each official and candidate for office as a State official shall file a statement as specified in §§ 15–602 through 15–608 of this subtitle.

The statute requires a statement filed under § 15-601 to meet certain requirements. § 15-602(a) and (b) states:

(a) Except as otherwise provided in this subtitle, a statement filed under § 15–601, § 15–603, § 15–604, or § 15–605 of this subtitle shall:

- (1) be filed with the Ethics Commission;
- (2) be filed under oath;
- (3) be filed on or before April 30 of each year;
- (4) cover the calendar year immediately preceding the year of filing; and
- (5) contain the information required in § 15–607 of this subtitle.

(b) Notwithstanding subsection (a)(1) of this section, a statement filed by a member of the General Assembly shall be filed in duplicate with the Joint Ethics Committee.

A statement is required to include specific information. One of those requirements is as described in § 15-607(i):

(i) (1) Except as provided in paragraph (2) of this subsection, the statement shall include a schedule listing the name and address of each:

(i) place of salaried employment, including secondary employment, of the individual or a member of the individual's immediate family at any time during the applicable period; and

(ii) business entity of which the individual or a member of the individual's immediate family was a sole or partial owner, and from which the individual or family member received earned income, at any time during the applicable period.

(2) The statement may not include a listing of a minor child's employment or business entities of which the child is sole or partial owner, unless the place of employment or the business entity:

(i) is subject to the regulation or authority of the agency that employs the individual; or

(ii) has contracts in excess of \$10,000 with the agency that employs the individual.

Conclusions as to Rules Violations

Based on the factual findings outlined above, the Joint Committee finds that Senator Currie violated § 15-601, 15-602, and §15-607(i) of the State Government Article by failing to disclose to the State Ethics Commission and the Joint Committee his consulting agreement and the consideration he was receiving from SFW on his annual Financial Disclosure Statement in the years 2003 through 2008.

PRESUMPTIVE CONFLICT OF INTEREST RELATING TO SENATOR CURRIE'S CONSULTING RELATIONSHIP WITH SHOPPERS FOOD WAREHOUSE, CORP. AND FAILURE TO FILE A VOTING RECUSAL FORM WITH THE JOINT COMMITTEE ON LEGISLATIVE ETHICS

Factual Findings

In January 2005, Article 2B, § 9-217 of the Maryland Annotated Code prohibited the issuance of a Class D "off-sale" beer and light wine license to a supermarket-type establishment in Prince George's County. A supermarket that held a Class D "off-sale" beer and light wine license prior to the enactment of this section was allowed to retain the

license and, under certain circumstances, transfer the license. Eastern Beverages, Inc., a corporation created for the single purpose of holding an alcoholic beverages license for SFW in Prince George's County, was the holder of this type of Class D license for a SFW store in Takoma Park, Maryland. SFW wanted to transfer its Class D license from its store in District 47 (Takoma Park) to another store in District 21.

In his testimony to the Joint Committee, Senator Currie said that he became aware of and involved in this matter at the request of Mr. Small. Following this request, on July 23, 2004, Senator Currie met with Linda Carter, an attorney hired by SFW regarding this issue, and Franklin Jackson, the chair of the Prince George's County Board of License Commissioners, at a restaurant to discuss what would be required to allow the transfer of SFW's Class D license from its District 47 store to its District 21 store. At a time subsequent to this meeting, SFW determined that legislation was required to authorize the transfer of the license. Ms. Carter drafted the language for the proposed legislation.

Ms. Carter testified during Senator Currie's federal trial that she had various in-person meetings with Senator Currie and that the Senator did not disclose to her that he had a paid consulting relationship with SFW. Senator Currie told the Joint Committee that he did not disclose to Mr. Jackson that he had a paid consulting relationship with SFW.

In March 2005, during the 2005 legislative session, Senator Currie directed a member of his staff, Robert Bailey, to contact Delegate Dereck Davis, chair of the House Economic Matters Committee, to request that Delegate Davis "find an appropriate bill to attach an amendment to" regarding the transfer of SFW's Class D license. Copies of emails that detail the discussion of this issue were introduced as exhibits during the federal trial. Delegate Davis determined that House Bill 1110 was an appropriate bill on which to amend the alcoholic beverages transfer language.

Former Senator John Gianetti testified at the federal trial that everyone "knew it was a Shopper's bill" and that he had discussed Senator Currie's SFW consulting work with Senator Currie. Senator Gianetti also claimed that he agreed to sponsor the amendment to HB 1110 for Senator Currie. Despite this testimony, Senator Gianetti did not sponsor the amendment to HB 1110 at the request of Senator Currie.

House Bill 1110 passed third reading in the Senate on April 5, 2005, but was then subject to a motion to reconsider by the late Senator Gwendolyn Britt. Senator Britt then made a motion to special order the bill until April 8. On April 8, Senator Britt introduced a floor amendment to HB 1110 that contained the language authorizing the Prince George's County Board of License Commissioners to allow a transfer of a Class D "off-sale" beer and light wine license from District 47 to District 21 both in Prince George's County for a supermarket or similar-type establishment. The only known beneficiary of this part of the law was SFW. The Senate unanimously approved HB 1110 as amended, including Senator Currie's vote of "aye". The House of Delegates approved the bill with the Senate amendments on April 11, 2005. The Governor signed the enrolled bill on April 26, 2005.

The same day House Bill 1110 was signed into law by the Governor, Senator Currie directed that a copy of the enrolled version of the bill be faxed from his Senate office to Mr. Small at his SFW office. At no time during the 2005 legislative session did Senator Currie file a Disclaimer of an Apparent or Presumed Conflict of Interest (Form D) or Statement of Recusal from Voting and Other Legislative Action (Form E) with the Joint Committee as required by § 15-511 and § 15-512 of the State Government Article.

In Senator Currie's answer to the allegations of the Joint Committee, the Senator denied that his consulting contract with SFW created a conflict of interest that impaired his "independence of judgment" on this matter. Senator Currie further asserted that he would have been allowed to vote for this bill if he had filed a Form D with the Joint Committee. It is the Senator's contention (with which the Joint Committee disagrees) that the filing of a Form D would have been sufficient disclosure in this case because both Prince George's County Senators whose districts were affected by this legislation knew of Senator Currie consulting agreement with SFW and supported the legislation.

It should be noted that in his testimony to the Joint Committee, Senator Currie said he did not recall speaking with either Delegate Davis or Senator Britt about this matter. In the transcript of the closing argument made by his attorney, Joseph Evans, in the federal trial, Mr. Evans contradicts Senator Currie's recent assertions. In the transcript Mr. Evans is quoted as stating regarding Senator Currie's vote for HB 1110 as amended: "Now, what Senator Currie did what he shouldn't have done, he shouldn't have voted for it. I said that before. And there is no getting around it. That was a conflict of interest."

Violation of Standards

The Joint Committee concludes that Senator Currie participated in legislation relating to SFW during the 2005 Session as discussed above, in which he was disqualified from participating due to a presumed conflict of interest in violation of § 15-511 of the State Government Article, and which disqualification was never suspended by filing a statement with the Joint Committee as provided in § 15-512 of the State Government Article.

Under § 15-511(b) of the State Government Article, conflict of interest of a legislator is defined and provides that if a conflict exists, the legislator in question is disqualified from participating in any related legislation.

- (b) (1) An interest of a member of the General Assembly conflicts with the public interest if the legislator's interest tends to impair the legislator's independence of judgment.
- (2) The conflict disqualifies the legislator from participating in any legislative action, or otherwise attempting to influence any legislation, to which the conflict relates.

The statute sets out circumstances in which conflicts of interest are presumed to exist. § 15-511(c) describes these presumptive conflicts of interest:

(c) It is presumed that an interest disqualifies a legislator from participating in legislative action in any of the following circumstances:

(1) having or acquiring a direct interest in an enterprise which would be affected by the legislator's vote on proposed legislation, unless the interest is common to all members of:

(i) a profession or occupation of which the legislator is a member;
or

(ii) the general public or a large class of the general public;
(2) benefiting financially from a close economic association with a person whom the legislator knows has a direct interest in an enterprise or interest which would be affected by the legislator's participation in legislative action, differently from other like enterprises or interests;

(3) benefiting financially from a close economic association with a person who is lobbying for the purpose of influencing legislative action; or

(4) soliciting, accepting, or agreeing to accept a loan, other than a loan from a commercial lender in the normal course of business, from a person who would be affected by or has an interest in an enterprise which would be affected by the legislator's participation in legislative action.

Disqualification of a legislator from participating in legislation under § 15-511 of the State Government Article may be suspended under § 15-512(a)(2) if the legislator with a conflict of interest files a sworn statement with the Joint Committee describing the circumstances of the apparent conflict and the related legislation, along with an assertion that the legislator is able to participate in the legislation fairly, objectively, and in the public interest. If such a statement is filed, the Joint Committee has the authority to comment on the propriety of the legislator's participation. The requirements under § 15-512(a)(2) and (b) of the State Government Article:

(a) . . .

(2) As to any other conflict, the disqualification arising under § 15-511 of this subtitle is suspended if a legislator with an apparent or presumed conflict files with the Joint Ethics Committee a sworn statement that describes the circumstances of the apparent or presumed conflict and the legislation or class of legislation to which it relates and asserts the legislator is able to vote and otherwise participate in action relating to the legislation, fairly, objectively, and in the public interest.

(b) (1) Whenever a legislator files a statement for the suspension of the disqualification, the Joint Ethics Committee on its own motion may issue a statement concerning the propriety of the legislator's participation in the particular legislative action, with reference to the applicable ethical standards of this matter.

(2) The suspension of the disqualification by the filing of the statement is subject to further action by the Joint Ethics Committee if the question of conflict comes before it as to the same circumstances and the same legislator.

The statute does not allow a legislator to suspend a conflict of interest if the conflict is direct and personal to the legislator, a member of the legislator's family, or the legislator's employer:

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the disqualification arising under § 15-511 of this subtitle may not be suspended if the conflict is direct and personal to:

1. the legislator;
2. a member of the legislator's immediate family; or
3. the legislator's employer.

(ii) This paragraph does not apply to a vote on:

1. the annual operating budget bill, in its entirety; or
2. the annual capital budget bill, in its entirety.

The definition of employer is set forth in § 15-102 of the State Government Article:

(h) "Employer" means an entity that pays or agrees to pay compensation to another entity for services rendered.

Once a recusal is taken, a legislator is required under § 15-512(c) of the State Government Article to file a Form E Statement with the Joint Committee:

(c) A member who is disqualified from participating in legislative action under subsection (a)(1) of this section, or who chooses to be excused from participating in legislative action on a bill or class of bills because of the appearance or presumption of a conflict, shall file in a timely manner a statement with the Joint Ethics Committee that describes the circumstances of the apparent or presumed conflict.

Conclusions as to Rules Violations

Based on the factual findings outlined above, the Joint Committee finds that Senator Currie's relationship with SFW during 2003 through 2007 created a presumptive conflict of interest in violation of § 15-511 of the State Government Article, which disqualified him from participating in legislation benefiting SFW during the 2005 Legislative Session. The Joint Committee finds that Senator Currie had a relationship with SFW that was of a continuing nature that allowed Senator Currie to benefit financially from a close economic association with SFW, which had an interest in legislation voted on by Senator Currie that was different from other similar interests, as provided in § 15-511(c)(2) of the State Government Article.

In addition, the Joint Committee finds that this conflict could not have been waived by filing a Form D Disclaimer because § 15-512(a) of the State Government Article prohibits the suspension of a presumed conflict that is "direct and personal . . . to the legislator's employer." The Joint Committee has determined that the requirements for recusal apply only to interests that are narrowly focused, and as to which a clear financial impact would flow from the passage or defeat of the legislation. The 2005 Ethics Guide of the Maryland General Assembly provides as an example of narrowly focused legislation, legislation where "[t]he person is the only person affected by the legislation, or one of a very small number of such persons." The Joint Committee finds that the amendment language to House Bill 1110 of 2005 was written for the sole purpose of enabling the Prince George's County Board of License Commissioners to authorize the

transfer of SFW's Class D "off-sale" beer and light wine license from its store in District 47 to its store in District 21 upon application by SFW.

Consequently, the Joint Committee finds that Senator Currie failed to recuse himself under § 15-512(a) of the State Government Article, and failed to file a Form E Statement with the Joint Committee pursuant to § 15-512(c) of the State Government Article.

PROHIBITED REPRESENTATION OF A PERSON FOR COMPENSATION BEFORE STATE AND LOCAL GOVERNMENT AGENCIES

Factual Findings

Route 140 Traffic Signal – Baltimore County

The State Highway Administration (SHA) is responsible for the installation of traffic signals and other traffic related construction and road management issues in the State. SHA requires a detailed application and evaluation process to determine whether a traffic signal or other control is needed at a specified location. SFW desired the installation of a traffic signal at the entrance to the shopping center located on Route 140 in Baltimore County. SFW submitted a request for a traffic engineering study to SHA.

Within a few months of the signing of the consulting agreement, Kevin Small contacted Senator Currie and asked him to contact Neil Pedersen, the then-Administrator of SHA, to request that Senator Currie follow-up on the status of SFW's Route 140 traffic signal study. On August 13, 2003, Senator Currie sent a letter using official Senate Budget and Taxation Committee letterhead to Mr. Pedersen requesting a meeting to discuss this matter. Through the fall and winter of 2003 and 2004, Senator Currie made repeated contacts with Mr. Pedersen regarding the status of the traffic signal study. At the federal trial, several documents were introduced that demonstrated Senator Currie's special interest in this matter.

Mondawmin Mall – Baltimore City

Mondawmin Mall (Mall) is an urban shopping center in Baltimore City that, at the time, required renovation and redevelopment. The Motor Vehicle Administration (MVA) was located on a site in the Mall and also leased a stand-alone building adjacent to the Mall structure. In 2003, SFW entered into negotiations with the Mall owner to bring a SFW supermarket to the Mall as part of the owner's plans to renovate the site. The proposed plans would require MVA to relocate to make room for the SFW supermarket. At that time, the MVA was considering several options, including some options that would not require MVA to move from its existing location in the Mall building.

In his testimony to the Joint Committee, Senator Currie said that Kevin Small contacted Senator Currie to request that he become involved in the negotiations to bring

the SFW supermarket to the Mall and to obtain additional State funding for the Mall project. The Senator also testified that the only other “Baltimore City representative” that SFW contacted about involvement in this matter was Congressman Elijah Cummings, but no other State representatives. In August 2003, Senator Currie, Mr. Small, and other SFW executives held a meeting at the Mall to discuss SFW’s needs for the project.

In September 2003, Senator Currie contacted the Secretary of Budget and Management to request that the Department of Transportation (MDOT) and MVA keep the needs of SFW in mind when determining whether to relocate the MVA from its Mall location. The Senator testified to the Joint Committee that he did not disclose his paid consulting relationship with SFW to the Secretary.

On November 6, 2003, Senator Currie contacted the Administrator of MVA to organize a meeting at his Senate office with the secretaries of MDOT, Robert Flanagan, the Department of Budget and Management (DBM), officials from MVA, several Baltimore City delegation members, the Mall owner, and representatives of SFW. Senator Currie told the Administrator that the purpose of the meeting was to determine how the parties planned to proceed on relocating MVA at the Mall. On December 23, 2003, Senator Currie held another meeting in his Senate office with the Secretary of MDOT, Mr. White, and Mr. Small to discuss SFW’s wishes regarding the relocation of the MVA for the Mall project. Senator Currie testified to the Joint Committee that he did not disclose his paid consulting relationship with SFW to any of the State agency leaders at any of these meetings. Mr. Flanagan later testified at the trial that he did not know about Senator Currie’s consulting relationship with SFW.

On January 14, 2004, Senator Currie held a meeting in his Senate office with the Secretary of Business and Economic Development (DBED), Aris Melissaratos, Mr. White, and Mr. Small regarding the availability of additional State funds for the Mall project. These funds allegedly benefited SFW by reducing the overall costs of the project so as to result in reduced rent for potential tenants. Mr. Melissaratos testified at trial that Senator Currie did not disclose his paid consulting relationship with SFW.

Although the Senator testified to the Joint Committee that he could not recall his attendance at the above-referenced meetings, the testimony of several credible witnesses at the federal trial confirmed that he was there.

Traffic Signal at Route 198 – Laurel

In June 2004, SFW was in the process of rebuilding and renovating a SFW supermarket that had been damaged by fire. It was located on Route 198 in Laurel. During the renovation period, SFW determined that a traffic signal located at the entrance to the shopping center would improve traffic flow. SFW submitted a Traffic Signal Study application to SHA.

Senator Currie testified to the Joint Committee that Mr. Small asked him to become involved in this matter. In accordance with this request, Senator Currie contacted

Neil Pederson to propose a meeting at the site of the requested Route 198 traffic signal. On July 30, 2004, Senator Currie held a meeting with Neil Pedersen, the Administrator of SHA, Mr. Small, another State senator, and others regarding the status of SHA's approval for the traffic signal study. Senator Currie made multiple contacts with SHA regarding this matter.

On March 12, 2005, Mr. Pederson sent an email to his staff at SHA regarding the completion of the Rte. 198 traffic study. Mr. Pedersen directed his staff at SHA to "expedite this as much as possible" and get the study done before re-opening of the SFW store on May 1, 2005. He told his staff that he wanted to remain on good terms with Senator Currie because SHA budget matters came before the Senate Budget and Taxation Committee. Mr. Pedersen testified that the purpose of this email was to "motivate" his staff to get the traffic signal study done.

Eastern Beverages Alcoholic Beverages License Transfer Application

As previously discussed, SFW, through Eastern Beverages, Inc., held a Class D "off-sale" beer and light wine license for its store in District 47 (Takoma Park) in Prince George's County. During the 2005 Legislative Session, SFW worked with Senator Currie to pass House Bill 1110 as amended, to authorize the Prince George's County Board of License Commissioners (License Board) to authorize the transfer of the above-referenced type of license from a supermarket or similar type store in District 47 to District 21. At some time following the 2005 Session, SFW submitted an application with the License Board to request the Class D license transfer.

In December of 2005 or January of 2006, Senator Currie met with Franklin Jackson, the Chair of the License Board, at a restaurant to discuss the Eastern Beverage's Class D license transfer application pending before the License Board. Mr. Jackson testified at trial that he only provided Senator Currie with information that he would otherwise provide to anyone interested in a License Board issue that was not pending before the Board. Senator Currie testified to the Joint Committee that he did not disclose his paid consulting relationship with SFW to Mr. Jackson.

In addition to the above meeting, Senator Currie attended the License Board's final hearing on the Eastern Beverages Class D license transfer application on April 25, 2006.

WMATA Chillum Property

The Washington Metropolitan Area Transit Authority (WMATA) owned property in the Chillum area of Prince George's County that it determined should be sold. In accordance with regulations applicable to government agencies regarding the sale of real property, WMATA was required to provide the right of first refusal in the purchase of the property to other government agencies before the property could be offered to the general public for sale by competitive bid.

In 2003, the Maryland – National Capital Park and Planning Commission (M-NCPPC) a bi-county agency in Maryland, began negotiating with WMATA regarding the purchase of the Chillum property. M-NCPPC wished to purchase the property to build recreational facilities on the property, including extending the Prince George's County Connector Trail, a recreational walking and biking trail. In 2005, SFW became interested in purchasing the same property to expand and renovate an existing SFW supermarket that was located in an adjacent Chillum shopping center.

In January 2006, M-NCPPC formally notified WMATA that M-NCPPC intended to exercise its right of first refusal regarding the purchase of the Chillum property. In Spring of the same year, Mr. Small requested that Senator Currie become involved in the negotiations regarding the Chillum property. Senator Currie testified to the Joint Committee that Mr. Small asked him to organize meetings of the relevant State and local government agency leads to discuss SFW acquisition of the property. According to the Senator, SFW offered to pay for the construction of parks and playgrounds in the community if they were allowed build the store.

Throughout the remainder of 2006 and into October 2007, Senator Currie made numerous contacts with the heads of WMATA, M-NCPPC, and the Prince George's County Redevelopment Authority (RDA) and held many meetings that included these agency leaders, agency representatives, and executives from SFW. Senator Currie testified that he did not speak much at these meetings because his role was to bring the parties together.

Credible witnesses at trial testified that Senator Currie communicated SFW's position to representatives of the various agencies involved in this matter. SFW position included allowing another government agency to purchase the entire Chillum property and then sell a portion of the property to SFW and a portion to M-NCPPC without SFW being required to go through the competitive bidding process. At some point in the negotiations, a plan was suggested that would require the RDA to act as the pass-through agency, thereby RDA's inclusion in the property negotiations.

Ritchie-Marlboro Interchange

As stated above, the SHA is responsible for making certain road and infrastructure improvements in the State and for requesting that the funding for these improvements be included in the agency's annual budget request to the Governor. SHA may also require private developers to construct and pay for the cost of infrastructure and road improvements in circumstances where a new development was expected to create the need for such improvements.

The Secretary of MDOT has the authority to provide a certain amount of public funds from MDOT's budget to private entities or local governments for the purpose of advancing certain construction and other projects that the Secretary deems in the best interests of MDOT and the citizens of Maryland. These awards of public funds are commonly known as "Secretary's Grants."

Ritchie Station Marketplace is a private commercial development to be constructed in Prince George's County. The planned development was expected to increase traffic flow to the point that road improvements would be required at the nearby Ritchie-Marlboro highway interchange. Senator Currie testified to the Joint Committee that there was insufficient space for the trucks that would be using that interchange.

Senator Currie organized several meetings on this issue. On January 30, 2006, Senator Currie held a meeting in his Senate office with the Deputy Chief of Staff to the Governor, an SHA official, and representatives of the developer of the Ritchie-Marlboro to discuss the inclusion of \$3 million in the State budget for the costs of the road improvements. In March 2006, Senator Currie held a meeting in his Senate office with the Secretary of MDOT to request a \$ 2 million Secretary's Grant to the developer of Ritchie Station Marketplace for the cost of the interchange road improvements. Senator Currie also requested a \$ 3 million Secretary's Grant from the newly appointed Secretary of MDOT in late 2007 or early 2008.

During his testimony to the Joint Committee, Senator Currie denied that the meetings regarding the Ritchie-Marlboro interchange project benefited SFW in any way.

Although Senator Currie denied that this project benefited SFW, this project was listed on a document introduced at trial entitled "Accomplishments on Behalf of Shoppers". The document is a list of 12 action items that describe the work that Senator Currie performed on behalf of SFW to the benefit of SFW. Also indicated on this document are statements that the drafter would "bring many more opportunities to" SFW and that the drafter was "in a unique position to assist Shoppers in expanding its mission and increasing its bottom line." This document was found during the federal government's investigation of Senator Currie on one of Senator Currie's computers. Senator Currie denies that he authored, typed, or produced this document in any way. However, in his testimony to the Joint Committee, Senator Currie admitted that the only people who had access to his computer were himself and his wife.

Senator Currie's Testimony to the Joint Committee

To better understand Senator Currie's intentions and state of mind while participating in the matters previously discussed, the Joint Committee asked Senator Currie to testify at a hearing of the Joint Committee. In his written answers to the allegations of the Joint Committee, Senator Currie categorically denied that he represented SFW for the compensation agreed to in the consulting agreement before or in a matter involving SHA, MDOT, MVA, DBM, WMATA, M-NCPPC, RDA, and Prince George's County Board of License Commissioners. He states that his primary role in all of these matters was that of an organizer and facilitator, not an advocate of SFW.

In response to questions about his involvement in the extra-contract business-oriented matters previously discussed, Senator Currie told the Joint Committee that he became involved in each matter at the request of Mr. Small of SFW and that none of the

executives with SFW was a constituent of his district. When the Senator was asked in which capacity he was acting while participating in various matters, either as a Senator or as a consultant, Senator Currie answered “consultant” each time. When asked what percentage of time Senator Currie felt he had spent performing services on behalf of SFW regarding contract-specific duties such as community relations and minority outreach versus extra-contract requests regarding business-oriented matters, Senator Currie testified that he felt he split his time “50/50”. Senator Currie also testified to the Joint Committee that he didn’t begin to get involved in business-oriented matters until “much later”. However, a review of the evidence shows that Senator Currie began participating in business-oriented matters at the request of Mr. Small within several months of signing the initial consulting agreement in February 2003.

Violations of Standards

The Joint Committee concludes that Senator Currie represented SFW, for compensation, in matters before or involving a unit of the State or a political subdivision of the State on numerous occasions in violation of the Public Ethics Laws. Each representation on behalf of SFW is a separate violation of the law.

A member of the General Assembly is prohibited from assisting or representing a party, for compensation, in any matter before or involving a unit of the State or a political subdivision of the State under § 15-504(b)(1) of the State Government Article:

- (b) (1) Except as provided in paragraph (2) of this subsection, a member of the General Assembly may not, for compensation, assist or represent a party in any matter before or involving any unit of the State or a political subdivision of the State.

Despite the general prohibition against assistance or representation involving contacts with governmental units, there are certain exceptions to the prohibition under § 15-504(b)(2) of the State Government Article that allow members to assist or represent a party to a governmental unit under specific and narrow circumstances. Section 15-504(b)(2) provides:

- (b) . . .
 - (2) Paragraph (1) of this subsection does not apply to assistance to or representation of a party:
 - (i) in matters relating to the performance of ministerial acts by a governmental unit;
 - (ii) in matters involving the member’s regular business, employment, or profession, in which contact with a governmental unit:
 - 1. is an incidental part of the business, employment, or profession;
 - 2. is made in the manner that is customary for persons in that business, employment, or profession; and
 - 3. is not for contingent compensation;
 - (iii) in a judicial or quasi-judicial proceeding, including a proceeding before an administrative law judge in the Office of Administrative Hearings, or a matter preliminary, incidental, or collateral to a judicial or quasi-judicial proceeding;

(iv) in a matter before or involving the Workers' Compensation Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries Compensation Board; or

(v) in a matter in which the assistance or representation, other than for contingent compensation, was commenced by the member of the General Assembly before:

1. the member filed a certificate of candidacy for election to the General Assembly at a time when the member was not an incumbent; or
2. if the member was appointed to fill a vacancy, the date of appointment.

If a legislator does represent a person for compensation before a State or local government agency, except in a judicial proceeding or quasi-judicial proceeding, the legislator is required to report specified information to the Joint Committee in accordance with § 15-513(b)(1) of the State Government Article:

(b) A legislator shall report the following information in writing to the Joint Ethics Committee at the times and in the manner required by the Joint Ethics Committee:

(1) if representing a person for compensation before a State or local government agency, except in a judicial proceeding or in a quasi-judicial proceeding, the name of the person represented, the services performed, and the consideration. The Joint Ethics Committee may adopt procedures to keep confidential the name of the person represented if that information is privileged or confidential pursuant to any provision of law governing proceedings before that State agency.

...

Conclusions as to Rules Violations

Based on the factual findings outlined above, the Joint Committee finds that Senator Currie violated § 15-504(b)(1) of the State Government Article by representing SFW, for compensation, in various matters before or involving a unit of the State or a political subdivision of the State, including SHA, MDOT, MVA, DBM, DBED, WMATA, M-NCPPC, RDA, and Prince George's County Board of License Commissioners. The Joint Committee finds that work performed by Senator Currie relating to business-oriented matters was not incidental to his community relations and minority recruitment and outreach services provided to SFW.

Additionally, by participating in the matters above, the Joint Committee finds that Senator Currie violated § 15-513(b)(1) of the State Government Article by failing to file the required Form A – Disclosure of Interest: Representation Before a State or Local Agency with the Joint Committee, which discloses the name of the person represented, the services performed, and the consideration.

REPRESENTATION OF A PERSON FOR COMPENSATION BEFORE A STATE OR LOCAL GOVERNMENTAL AGENCY IN A MATTER INVOLVING THE ADOPTION OF REGULATIONS

Factual Findings

On January 20, 2004, the Maryland Energy Efficiency Standards Act was enacted when the Maryland General Assembly voted to override Governor Robert Ehrlich's May 21, 2003, veto of the Act. The Act imposed new energy efficiency standards on specified products sold in the State including commercial air conditioning units, often called "chillers", and commercial refrigeration units. The Act also authorized the Maryland Energy Administration (MEA) to delay the effective date of any standard established under the Act for up to one year at the request of a Maryland business or consumer after public notice and comment.

Senator Currie testified that he was not personally familiar with the provisions of the Act as the Senate bill had been heard in the Education, Health, and Environmental Affairs Committee not in the Budget and Taxation Committee, the committee he chaired.

According to the federal indictment, Kevin Small sent a letter, dated April 27, 2005, to Senator Currie requesting the Senator's assistance in delaying the implementation of the new energy efficiency standards regarding chillers and commercial refrigeration units established by Act. SFW expressed concern that the implementation of these standards on equipment necessary for the operation of a grocery store would result in increased construction and operational costs.

In response to the request from Mr. Small, Senator Currie contacted a staff person at the MEA to pass on SFW's request to delay implementation of the new standards for chillers and commercial refrigeration units. In his answer to the allegations, Senator Currie states "he merely passed on a report prepared by an industry group and took no further action". In his testimony to the Joint Committee, Senator Currie could not recall receiving a letter from Mr. Small, whether he contacted anyone at the MEA, or if he did, who he contacted at the MEA, or sending a document on behalf of SFW.

Testimony from witnesses at the federal trial show that Senator Currie's contact with the MEA did have an impact on the MEA's decision to delay implementation of the new standards. Michael Richard, the former Director of the MEA, testified that Senator Currie's position as the chairman of the Senate Budget and Taxation Committee factored into the MEA's decision to delay the regulations.

Violation of Standards

The Joint Committee concludes that Senator Currie has represented a person for compensation before a State agency in a matter regarding regulations in violation of § 15-504(c) of the State Government Article.

- (c) (1) A member of the General Assembly may not assist or represent a person, including himself or herself, for compensation before a State or local governmental agency in any matter involving:
- (i) procurement; or
 - (ii) the adoption of regulations;
- (2) Paragraph (1) of this subsection does not apply to an administrative proceeding conducted in accordance with Title 10, Subtitle 2 (Administrative Procedure Act — Contested Cases) of this article.

Conclusions as to Rules Violations

The Joint Committee concludes that Senator Currie did not have firsthand knowledge of the provisions of the Act and the effect the regulations adopted under the Act would have on SFW or any other grocery store. The Joint Committee also finds that Senator Currie would not have become involved in this matter or contacted the MEA to request a delay of the regulations were he not asked to by Mr. Small. Furthermore, the Joint Committee finds that Mr. Small contacted Senator Currie to handle this matter for SFW because of the consulting contract between SFW and Senator Currie.

Consequently, the Joint Committee finds that based on the evidence outlined above, Senator Currie's contact with the MEA to encourage a delay in the implementation of specified energy efficiency standards to benefit of SFW violates § 15-504(c) of the State Government Article.

USE OF PRESTIGE OF OFFICE OR PUBLIC POSITION FOR THAT OFFICIAL'S PRIVATE GAIN OR THAT OF ANOTHER AND USE OF PUBLIC RESOURCES FOR NON-GOVERNMENTAL PURPOSES

Factual Findings

In examining the actions of Senator Currie in matters previously discussed, the Joint Committee has determined that Senator Currie used his title as senator and his position as chairman of the Senate Budget and Taxation Committee for his own private gain and the private gain of SFW. The Joint Committee also finds that Senator Currie used public resources for the non-governmental purposes of performing services for his employer, SFW.

In his testimony to the Joint Committee, Senator Currie admitted knowing that his title of senator and his position as chairman of the Budget and Taxation Committee allowed him to directly contact and to request and hold meetings with State and local government agency officials that would not have otherwise been available to a member of the general public. He further admitted that he believed that SFW asked him to intervene on the matters previously discussed because of his position as chairman of the Budget and Taxation Committee.

During his testimony to the Joint Committee, Senator Currie was asked how he was referred to by various persons while participating in the matters previously described. Senator Currie said he was unable to recall how he was addressed in correspondence and how people addressed him at meetings. The Joint Committee can infer from the documents produced at trial, the testimony of witnesses, and Senator Currie's own testimony, that Senator Currie held himself out as senator and the chair of the Budget and Taxation Committee when organizing and participating in meetings related to the matters discussed and in correspondence relating to such matters.

In the transcript of the closing argument made by Joseph Evans on behalf of Senator Currie in the federal trial, Mr. Evans admits that Senator Currie "sent out a couple of letters on official letterhead. Shouldn't have done that." One of those letters includes an August 13, 2003, letter Senator Currie sent on official Senate Budget and Taxation letterhead to the Administrator of SHA requesting that the Administrator contact Senator Currie to discuss the Traffic Impact Analysis for the installation of the traffic signal for the SFW project on Rte. 140 in Baltimore County.

On December 23, 2003, and on January 14, 2004, Senator Currie held meetings in his Senate office with State government officials and representatives of SFW regarding the Mondawmin Mall matter.

During the 2005 Legislative Session, Senator Currie used his Senate office resources to facilitate the passage of legislation beneficial only to SFW. Senator Currie directed his Senate office staff to make contacts with the House Economic Matters Committee chairman to identify appropriate House legislation requiring the alcoholic beverages license transfer, including the use of State computers. Senator Currie also directed his Senate staff to use a fax machine in his Senate office to fax a copy of signed legislation to Mr. Small at his SFW office in Lanham, Maryland.

Violations of Standards

The Joint Committee concludes that on various occasions Senator Currie has violated § 15-506(a) and § 2-108 of the State Government Article.

Section 15-506(a) prohibits an official or employee from intentionally using the prestige of office or public position for personal gain or that of another:

- (a) An official or employee may not intentionally use the prestige of office or public position for that official's or employee's private gain or that of another.

The statute does make an exception for an official's use of office position or title for the performance of usual and customary constituent services, without additional compensation under § 15-506(b) of the State Government Article.

- (b) The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.

The statute also prohibits a member from using resources paid for by the public for non-governmental uses unless those uses are “incidental”. Section 2-108 provides:

- (a) Public resources may be used by members of the General Assembly only for public purposes.
- (b) This section does not prohibit incidental use of public resources for nonpublic purposes.

Conclusions of Rules Violations

The Joint Committee finds that in each of these examples and in his overall decision to hold himself out as a senator and the chair of the Budget and Taxation Committee while performing services for SFW, Senator Currie is in violation of § 15-506(a) of the State Government Article, the intentional use of the prestige of office or public position for personal gain or that of another and § 2-108 of the State Government Article for using public resources for non-governmental purposes.

REGISTRATION AS A REGULATED LOBBYIST

In view of the factual findings set forth previously in this report, the Joint Committee alleges that Senator Currie may have communicated with officials or employees of the Executive Branch for certain amounts of compensation in order to influence legislative and executive actions on behalf of SFW. These are acts that require registration as a regulated lobbyist under § 15-701(a)(1) of the State Government Article. If Senator Currie did perform acts in accordance with § 15-701(a), the Senator may have also been in violation of § 15-713(6) of the State Government Article by failing to register as a regulated lobbyist with State Ethics Commission.

In deference to the State Ethics Commission’s jurisdiction over the regulation of lobbyists under the Maryland Public Ethics Law, the Joint Committee refers the matter regarding the potential lobbying of Senator Currie to the State Ethics Commission for its review and proceedings.

Although we do not make a conclusion as to a rules violation on this issue, the Joint Committee emphatically states that a Member’s registration as a regulated lobbyist does not overcome the prohibition against Members being lobbyists. A member of the General Assembly cannot be a lobbyist and any violations of this prohibition will be vigorously enforced.

CONCLUSION OF THE JOINT COMMITTEE

Based on the findings set forth above, the Joint Committee concludes that Senator Currie violated numerous provisions of the Maryland Public Ethics Law. Because of the seriousness, scope, and consistent pattern of violations examined above, the Joint Committee issues its recommendations for appropriate sanctions.

RECOMMENDATIONS

Senator Ulysses Currie has a long and generally proud history of service in the Maryland General Assembly. In testimony to the Joint Committee on February 6, 2012, Senator Currie spoke of his humble beginnings, his pride in achieving professional and educational success, and being a principal and leader in Maryland schools until his election as a member of the House of Delegates in 1987. Senator Currie spoke with passion and conviction regarding his work to bring economic development, particularly, grocery stores to low-income communities and to make nutritious foods more available at affordable prices to residents of these communities.

It is evident from the many and varied people who testified on the Senator's behalf at the federal trial and from the direct knowledge of the many people who have served with him in the General Assembly, that Senator Currie's personality, commitment, and talents have positively affected people of all ages, races, classes, and political affiliations in Maryland. In his 25 years in the legislature, Senator Currie has served in a wide variety of leadership positions in both the House and Senate, culminating in his chairmanship of the Senate Budget and Taxation Committee from 2002 through 2010. He has been an effective legislator.

It is because of Senator Currie's many positive contributions to the citizens of Prince George's County and Maryland, his leadership capabilities, and his reputation for honesty and integrity, that the findings of the Joint Committee are made with heavy hearts and great pain by his colleagues and friends. It should be clear to all, however, that the findings that the Joint Committee makes and the recommendations it proposes are inescapable and are clearly the responsibility of Senator Currie and the direct consequence of his own acts.

Maryland's Constitution commands us as members of the General Assembly to discipline our members who go astray, and our laws direct us that we must forbid, reject, and punish behavior of any of our members who betray the public trust. It is the duty of all members of the General Assembly of Maryland to uphold the essential principles of representative government and the integrity of the Body by rejecting all improper influences or the appearance of improper influences in government. The confidence and trust of the citizens of Maryland is a precondition of effective government.

After thoroughly reviewing the documentary evidence, interviewing and reviewing the testimony of relevant witnesses, and taking the testimony of Senator

Currie, and after due deliberation by the twelve members of the Joint Committee aided by counsel, the Joint Committee on Legislative Ethics finds that Senator Currie committed numerous violations of the Maryland Public Ethics Law, and thereby betrayed the public trust in many ways.

It is clear to the Joint Committee that Senator Currie used his position as a State Senator and, in particular, his influence as Chairman of the Senate Budget and Taxation Committee, to gain audience with various heads of State and local government agencies in order to represent the interests of his employer, Shoppers Food Warehouse, Inc., to their, and ultimately his, financial benefit. While understanding that the Financial Disclosure Statement forms are complex and may be confusing, we reject Senator Currie's assertion that this is a sufficient excuse for failing to disclose his consulting relationship with SFW, a significant source of his personal income for over five years. It is important to remember that all members of the General Assembly and thousands of other officials and employees in the State are required to file these same types of disclosure forms to and meet all statutory requirements.

Additionally, the Joint Committee finds that Senator Currie had many opportunities over the five years of his employment with SFW to discuss the nature of his employment and earned income with the leadership of the Senate or the Ethics Advisor, including during the required annual meeting with the Ethics Advisor, to gain guidance on his conformity with ethical standards for citizen legislators, and that Senator Currie chose not to do so. The Joint Committee finds Senator Currie's brief and incomplete telephone conversation with the Ethics Advisor barely touching on the subject of his contract for paid employment to be insufficient and irresponsible behavior.

Yet, in making these findings, the Joint Committee has also determined that Senator Currie's conduct was not intentionally malicious or deceitful. Senator Currie signed a contract, and spoke, albeit incompletely with the Ethics Advisor to the General Assembly about his professional engagement. Many members of the public were aware of his work on behalf of SFW, and he performed many of the very same services for others, including constituents and other grocery store chains, for which he was not compensated. Many of the matters Senator Currie became involved in would potentially or could eventually benefit many of our State's disadvantaged citizens or provide a benefit to an entire community. Also noted at his federal trial was Senator Currie's long history of making errors on his financial disclosure statements, general disorganization, and lack of attention to important details in matters under his consideration.

Despite these mitigating circumstances, Senator Currie's actions clearly violated the law and rules of this Body. Without malicious intent, Senator Currie used his position of authority and power to bring a financial benefit to a private entity to the detriment of the broader interests of the public. In using his office intentionally as described in this report, Senator Currie has eroded the confidence and trust of the people and other governmental leaders who work with legislators, and has brought dishonor upon the institution.

In the oath of office taken by each member of the General Assembly, we pledge to uphold the Constitution of Maryland and its laws. Pursuant to that pledge, and in recognition of the duties and authority established under Article III, § 19 of the Maryland Constitution, which provides that each House of the General Assembly “shall be the judge of qualifications and elections of its members”, including the authority to punish or expel one of its own members, the Joint Committee on Legislative Ethics makes the following recommendations that:

1. The President of the Senate remove Senator Currie immediately and permanently as a member of the Senate or Democratic leadership, as chairman of any committee or subcommittee, and as a member of all statutory, joint, select, and conference committees, except his assigned standing committee and the Prince George’s County Senate Delegation, of the Senate of Maryland.

2. The President of the Senate submit to the Senate, and the full Senate adopt, a resolution of censure expressing the Senate’s disapproval of Senator Currie’s actions, based on his activities as set forth in this Report of the Joint Committee on Legislative Ethics.

3. That the President of the Senate request that Senator Currie consider making a public apology to the members of the Senate to acknowledge and express regret for his conduct and the dishonor he has brought the Maryland General Assembly.

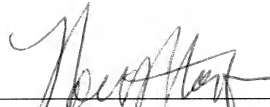
The Joint Committee on Legislative Ethics makes the following additional recommendations that:

1. The President of the Senate and the Speaker of the House of Delegates immediately undertake a renewed program of education and enforcement with respect to ethical obligations of its members, including:

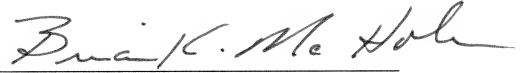
- a. Each member of the General Assembly be required to have an in-person meeting annually with the Ethics Advisor to the General Assembly at which the member shall be required to bring for review with the Ethics Advisor the Member’s most recent state and federal tax returns; and
- b. The Ethics Advisor be required to provide notice to the presiding officers of the General Assembly of a member’s failure to fulfill the annual ethics meeting requirement.

2. The President of the Senate require the Senate Special Committee on Legislative Ethics to consider other means by which strengthen Members’ compliance with ethical requirements.

Respectfully submitted,



Senator Norman R. Stone, Jr.
Co-Chairman



Delegate Brian K. McHale
Co-Chairman